



04-26-02



3643

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Samuel C. Weaver

Serial No. 09/838,866

Filed: April 20, 2001

Art Unit: 3643

Patent Examiner: Nguyen, Son T.

Our Ref: 01-211

METAL MATRIX COMPOSITE
HORSESHOE

RECEIVED

MAY 01 2002

GROUP 3600

#7 Reg for Person
5/1/02
Blme

Assistant Commissioner for Patents
Washington, DC 20231

April 25, 2002

REQUEST FOR CONSIDERATION

This communication is in response to an initial Office Action mailed on
February 26, 2002, concerning the above-captioned patent application.

REMARKS

In the Official Action, the Examiner rejected Claims 1-16 under 35 U.S.C. 103(a) as allegedly unpatentable over Weaver, U.S. Patent No. 5,573,607 (hereinafter "Weaver") in view of an abstract to Eiko et al., Japanese Patent No. JP 407,076,749A, (hereinafter "Eiko et al."). The Examiner has also issued a nonstatutory double patenting rejection allegedly based on Claims 1 – 20 of Weaver in view of Eiko et al.

With respect to the rejection of Claim 1 under 35 U.S.C. 103(a), the Examiner specifically alleges that Weaver discloses light weight metals such as aluminum and magnesium